

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 24, 1999

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Cooper, J., Mallano, J. (Assigned) and G. Villanueva,
Deputy Clerk.

B121591 Spinner
 v.
 Driscoll

Merits:

Argued by John Rowell for appellant and by Byron Hollins for respondent.
Cause submitted.

B129846 People
 v.
 Pineda et al.

Merits:

Argued by Brent Riggs, deputy district attorney, for appellant, by Alex Ricciardulli, deputy public defender, for respondent Pineda, by Vicki Vlasnik for respondent Mendiola and Chaim Magnum for respondent Sanchez. Cause submitted.

B125372 Concerned Citizens, etc.
B125374 v.
 City of Los Angeles

Merits:

Argued by Lawrence Teeter for appellant and by Roland Coleman for respondent. Cause submitted.

DIVISION TWO (Continued)

B126523 Rosenfeld Meyer & Susman
 v.
 Wilshire-Camden

Merits:

Argued by Jerome Falk, Jr. for appellant and by Kevin Fong for respondent.
Cause submitted.

B124406 Sunamerica Life Insurance
 v.
 Mazhari
 Cal Fed Bank

Merits:

Argued by Edwin Hausmann for appellant, by Mel Aranoff for
respondent Sunamerica Life Insurance and by Roland Reynolds for
respondent Cal Fed Bank. Cause submitted.

B122215 Yip
 v.
 Board of Police Comm.

Merits:

Argued by Roger Diamond for appellant and by Gregory Orland, deputy
city attorney, for respondent. Cause submitted.

B122272 Partnership Placements
 v.
 Landmark Insurance Company

Merits:

Argued by Peter Abrahams for appellant and by Stephen Goodman for
respondent. Cause submitted.

Court adjourned.

DIVISION THREE

B115766 Melissa Rakestraw et al.

v.

California Physicians' Service, d.b.a. Blue Shield of California et al.

Filed order vacating submission order of August 12, 1999 due to the press of other court business and the complexity of the issues in this case. Cause resubmitted.

B125013 Adrienne Margulies, etc.

(Not for Publication)

v.

Aetna Life and Casualty Insurance, a corp., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Croskey, Acting P.J.

Kitching, J.

B119665 People

(Not for Publication)

v.

Jose L. Vidrio

The judgment is modified by imposing a suspended \$10,000 Penal Code section 1202.45 parole revocation restitution fine. The judgment is also modified to reflect the imposition of a \$10,000 restitution fine pursuant to Penal Code section 1202.4, subdivision (b). The clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment as set forth in this opinion and to forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.

Schneider, J. (Assigned)

DIVISION THREE (Continued)

B123820 People (Not for Publication)
v.
Robert Sidney Collins, Jr.

The judgment is reversed and the matter remanded for new trial.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B123689 People (Not for Publication)
v.
Roger Germaine F.

The order of wardship is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B133621 Wesley Sander, III (Certified for Publication)
v.
Superior Court, Los Angeles County
(The People, r.p.i.)

The petition for writ of mandate is granted. The Superior Court of the State of California for the County of Los Angeles is directed to issue its order dismissing the information in case number BA082842, People of the State of California v. Wesley Sanders, III. Alternative writ issued on August 6, 1999, is hereby discharged.

Schneider, J. (Assigned)

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B127271 People (Not for Publication)
v.
Michael John Purintun

The judgment is modified by imposing a suspended \$10,000 Penal Code section 1202.45 parole revocation restitution fine. The clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment reflecting the suspended Penal Code section 1202.45 fine and to forward the corrected abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION FOUR

B131006 People (Not for Publication)
v.
Hernandez

The judgment of conviction of a violation Penal Code section 422 is affirmed. That part of the judgment imposing an additional sentence of one year pursuant to Penal Code section 667.5, subdivision (b) is reversed, and the cause is remanded for trial on the issue of whether appellant suffered that conviction, and for resentencing.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B129060 St. Honore French (Not for Publication)
 Boulangerie and Patisserie et al.
 v.
 Crusader Insurance Co.

The judgment is reversed. Crusader is to bear the costs of appeal.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B130760 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 George C.
 In re Jorge C.

The order terminating appellant's parental rights under section 366.26 is reversed, as is the order denying him reunification services. The matter is remanded to the trial court for further proceedings consistent with this opinion.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION SIX

B132404 People (Not for Publication)
 v.
 Gonzales

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SIX (Continued)

B125213 Thomas-Jackson (Not for Publication)
 v.
 Dayton-Hudson Corp., et al.

The summary judgment is affirmed. Costs are awarded to respondents.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

B130441 Harper et al. (Not for Publication)
 v.
 Tandy Corp., et al.

The summary judgment is affirmed. Costs are awarded to respondents.

Gilbert, P.J.

I concur: Coffee, J.
I dissent: Yegan, J. (Opinion)

B120181 Barnes (Not for Publication)
 v.
 Ungerer et al.

The judgment is affirmed. Costs are awarded to respondents.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

B129722 People
 v.
 Gibson

Filed order granting petition for rehearing.

DIVISION SIX (Continued)

B126717 People v. Bias (Not for Publication)

We modify the judgment to stay execution of sentence on count 4 pending finality of this judgment and service of sentence on the remaining counts. The stay is then to become permanent. The trial court is directed to amend the abstract of judgment accordingly and forward the amended abstract to the Department of Corrections. The judgment is otherwise affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B129787 People (Not for Publication)
v.
Humphrey

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
Coffee, J.

DIVISION SEVEN

B128032 People (Not for Publication)
v.
Brooks

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B127553 People (Not for Publication)
v.
Marquez

The superior court shall cause its clerk to prepare an amended abstract of judgment reflecting imposition of the \$10,000 Penal Code section 1202.4 restitution fine and the \$10,000 Penal Code section 1202.45 parole revocation fine to remain suspended until and unless appellant violates parole. The judgment is affirmed in all other respect.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

B129233 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Jamie B. et al.

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.